

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

UNITED STATES OF AMERICA,

Plaintiff,

v.

DANIEL LEATH,

Defendant.

2:20-CR-167-JCM-NJK

Final Order of Forfeiture

The United States District Court for the District of Nevada entered a Preliminary Order of Forfeiture pursuant to Fed. R. Crim. P. 32.2(b)(1) and (b)(2) and 18 U.S.C. § 924(d)(1) with 28 U.S.C. § 2461(c) based upon the plea of guilty by Daniel Leath to the criminal offense, forfeiting the property set forth in the Plea Agreement and the Forfeiture Allegation of the Criminal Indictment and shown by the United States to have the requisite nexus to the offense to which Daniel Leath pled guilty. Criminal Indictment, ECF No. 1; Change of Plea, ECF No. 64; Plea Agreement, ECF No. 65; Preliminary Order of Forfeiture, ECF No. 66.

This Court finds that on the government's motion, the Court may at any time enter an order of forfeiture or amend an existing order of forfeiture to include subsequently located property or substitute property pursuant to Fed. R. Crim. P. 32.2(e) and 32.2(b)(2)(C).

This Court finds the United States published the notice of forfeiture in accordance with the law via the official government internet forfeiture site, www.forfeiture.gov, consecutively from July 29, 2021, through August 27, 2021, notifying all potential third parties of their right to petition the Court. Notice of Filing Proof of Publication Exhibits, ECF No. 91-1, p. 5.

1 This Court finds the United States notified known third parties by regular mail and
2 certified mail return receipt requested of their right to petition the Court. Notice of Filing
3 Service of Process – Mailing, ECF No. 90.

4 On August 20, 2021, the United States Attorney's Office served Dennis Rusk and
5 Pamela Rusk by regular and certified return receipt mail with the Preliminary Order of
6 Forfeiture and the Notice. Notice of Filing Service of Process – Mailing, ECF No. 90.

7 This Court finds no petition was filed herein by or on behalf of any person or entity
8 and the time for filing such petitions and claims has expired.

9 This Court finds no petitions are pending regarding the property named herein and
10 the time has expired for presenting such petitions.

11 THEREFORE, IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that
12 all possessory rights, ownership rights, and all rights, titles, and interests in the property
13 hereinafter described are condemned, forfeited, and vested in the United States pursuant to
14 Fed. R. Crim. P. 32.2(b)(4)(A) and (b)(4)(B); Fed. R. Crim. P. 32.2(c)(2); 18 U.S.C. §
15 924(d)(1) with 28 U.S.C. § 2461(c); and 21 U.S.C. § 853(n)(7) and shall be disposed of
16 according to law:

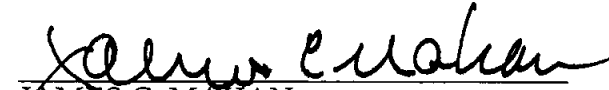
- 17 1. a Charter Arms Undercover .38 caliber revolver, bearing serial number 717249;
- 18 2. a Ruger SR556 semiautomatic rifle, bearing serial number B5694317;
- 19 3. a NoDak Spud AK-47 style rifle, bearing serial number M006630;
- 20 4. a Remington Model 700 .308 caliber bolt-action rifle, bearing serial number
21 B6549250;
- 22 5. a Bushmaster Carbon-15 .223 caliber rifle, bearing serial number BK3032529;
- 23 and
- 24 6. any and all compatible ammunition
- 25 (all of which constitutes property).

26 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that the property
27 shall be disposed of according to law.

28 / / /

1 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that the Clerk send
2 copies of this Order to all counsel of record.

3 DATED Nov. 5, 2021.

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6 JAMES C. MAHAN
7 UNITED STATES DISTRICT JUDGE
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